

1885-046 Chancery Causes. William L. Turner, adm. to vs D. E. Fleenor, adm. to  
Lee Co.

Timmors, Orr, Muncy, Wynn, Harris

CA-Debt

T-Property



To the Honorable John Kelly Judge of  
the Circuit Court of Lee County Virginia

Your Petitioner ~~James W Orr Attorney in~~  
~~fact for~~ C. B. L. Timmons and Sarah St Tim-  
mons his wife <sup>James W Orr ~~Att~~ in fact</sup> of the State of Illinois, would  
respectfully state and show to your Honor  
that the said Sarah St Timmons a daughter of  
Skidmore Mamey deceased is entitled as  
a <sup>creditor</sup> ~~contributor~~ of the Estate of Elkanah Hymn  
deceased <sup>to 1/4 of 461.31 or</sup> to the sum of \$115.32 1/4 as of the 1<sup>st</sup>  
day of September 1873 as is shown by the report  
of Henry J Morgan a commissioner in the  
case of ~~Wm J~~ Turner Admr vs D. E. Hymn  
Admr & it also now pending in your Honors  
Court. Your Petitioner will further state that  
the fund to which the said Sarah St Timmons  
is entitled as aforesaid, has been loaned by  
Mr B. D. Lane a commissioner in said cause un-  
der a decree of your Honors Court rendered  
in said cause directing so to do.

Your ~~Petitioner~~ will now state that  
he has applied to said Commissioner for the  
payment of said fund or sum of money but that  
said Commissioner was not fully satisfied  
that he could safely pay said sum over to your  
petitioner without direct authority under  
a decree of your Honors Court. Your Petition-  
er will state that the objection to payment  
as urged by said Commissioner is the very



frequent change of name of the said Sarah  
St Timmons, formerly Muncy she having been  
married three times, and the further fact that  
there is no proof of the death of her two former  
husbands. Your Petitioner will now show  
your Honor that the said Sarah St Muncy  
was first married on the 31<sup>st</sup> day of January  
1858, to William J. Mitty and afterwards  
to wit on the 10<sup>th</sup> day of March 1867 she  
was married to James W. Shawie and  
that afterwards to wit on the 1<sup>st</sup> day of Jan'y  
1874 she was married to C. L. P. Timmons all  
of which fully and at large appear from  
the several certificates herewith filed Marked  
(B) Your petitioner alleges that it is only  
fair to presume that all these marriages were  
legal ~~and fair~~ and that the preceding marriage  
relation was legally terminated before the  
succeeding was entered into as it fully &  
clearly appears that all of said marriages were  
celebrated in the State of Illinois.

Petitioner also files herewith as part hereof (C)  
the affidavit of Thomas M. Harris who  
fully identifies the said Sarah St Timmons  
as the identical Sarah St Muncy who was  
a daughter of said Eldamore Muncy dec'd  
and the party who is entitled to receive said  
sum of money.



Your petitioner is advised that either if ~~they~~  
~~of that~~ husbands of the said St Lammans  
are living, that they are not and could not  
be entitled to said sum or fund because it  
is only a chose in action, <sup>belonging to the wife &</sup> which survives  
to the wife upon the termination of the mari-  
tal relation whether by death or divorce  
unless reduced to possession by the husband  
during the existence of ~~the cohabitation~~ which  
was not in this case done. And if there is  
any doubt as to this proposition and petition  
er thinks there can be none, he urges that, that  
Decision is entire, and not by a case  
of 14<sup>th</sup> March 1877 known as the married  
womans. act. I believe files now here  
the warrant of Attorney directing and empow-  
ering him to receive said sum. which is  
marked (A) and his prayer is that your  
Honor by proper decree direct the said Mr  
St Lane. Court to pay said sum of money  
to him and as in duty he will ever pray &c.

J W Orr Atty in fact.  
for C L B & Sarah St Lammans

By C. T. Duncan  
Attorney.



H. C. 5.17  
 A 15.00  
 Comm. 3.00  
 \$23.17

J. W. Orr atty. at l.

re E. Sullivan

W. L. Sullivan decd.

Filed Mar 27th 1880

J. W. Orr Clerk

1st page

The heirs of the said  
 decd. E. Sullivan  
 but the said  
 decd. E. Sullivan being  
 made with a few  
 in the death of the  
 said E. Sullivan



Wm Turner Sumr & Plff

vs

In chancery

Drury & Flemer Sumr & Dft

This cause came on again this 25<sup>th</sup> day of March 1885 to be finally heard upon the papers formerly read, ~~the~~ report of M B D Lane special commissi-  
~~oner filed on the 12 day of September~~  
ber 1884 and exhibits 100. & 200 filed with  
said report, and was argued by counsel.  
And it appearing that said report has  
been filed for more than 10 days before the  
first day of this term and that no excep-  
tions have been filed thereto said report  
together with the disbursement made by said  
commissioner as shown by Exhibit Marked  
200 filed with said report are each con-  
firmed, And it appearing to the Court  
that all the matters in this cause have  
been fully settled and adjusted, & as to  
as to the costs incurred upon the Petition  
of C L B Simmons & wife by J W Orr their  
attorney in fact, it is ordered and decreed  
that said costs be paid by the said Orr for  
the said Simmons & wife said costs to be  
taxed by the clerk of this Court and when  
so paid by the said Orr they shall constitute  
to him a credit in his settlement with



Wm L Linnam Admin & Co  
no 3 Deane's final

D. C. Linnam Admin & Co.

Wm L Linnam 1880-  
Entered A.B. Page  
431. J. R. Linnam & Co.

Entered this account

J. R. Linnam

March 29<sup>th</sup> 1880-

the said Linnam and wife on account  
of the fund received by him from them  
from Leane Lane, for which execution  
may issue And this cause is stricken  
from the docket.



Wm Lumsden & Co

Pff

In Chancery

against

Drury & Eleanor Moore atals Lefts.

On a petition filed by C. L. B. Limmons & Sarah  
H. Limmons his wife by James W Orr their attorney - in fact.

This cause came on again this day to be heard upon the papers formerly read in the cause, and upon said petition and the papers formerly read therein, and the report of H. J. Morgan Commissioner filed March 23<sup>rd</sup> 1882, which is unexcepted to, and was argued by Counsel. On consideration thereof, and James W Orr attorney in fact for the petitioners offering to execute bond with security, conditioned to ~~pay to any one~~ <sup>hereafter appearing, and assenting</sup> ~~in and to the cause~~ <sup>and establishing his right to the said fund</sup> ~~Commissioner in the cause, in the payment~~ <sup>of the fund in his hand claimed by said</sup> ~~of the fund in his hand claimed by said~~ <sup>petitioners, to said attorney in fact,</sup> It is adjudged ordered and decreed that said Commissioner, <sup>before the end of this term with security approved by him</sup> upon the execution of said bond by said Orr, in a penalty at least double the amount received by him, and with the condition aforesaid, do pay over to said Orr said sum of money heretofore reported by said Court in the cause as belonging to said Sarah H. Limmons, and take his receipt therefor. Said Commissioner will report his action to this Court. And the cause is continued until the coming in of said report.



Wm Turner Adams &c  
vs { Diesel  
Drury E. Fleener Adams  
et als

Entered page 1406.

J. A. Hyatt. C. C.

Enter this Diesel

J. A. K.

Aug 29/84.



Commissioners Office Jonesville Va. March 24 - 1882

James W. Orr attorney &c. Plff  
vs.  
Wm. L. Turner admr &c. Dfts } On a Petition

To the Hon. John A. Kelly Judge of the  
Circuit Court of Lee County Va.

By a decree entered in the chancery cause of Wm. L. Turner admr &c. against Drury E. Fleener admr &c. others, on the 29th day of March 1880 I was directed to ascertain and report what interest if any the two former husbands of Sarah H. Timmons had or held in the fund referred in the said decree. With the lights before me I am not prepared to say what interest if any either of them have in the fund in Commissioner Lane's hands.

In the case of Turner vs. Fleener an account was taken of the outstanding debts against the Estate of Elkanah Hyman decd. and among other debts allowed as such against said Hyman's estate was one of some three four or five hundred dollars due the heirs of Skidmore Munsey who died many years ago in some of the western States, perhaps in the State of Illinois. This claim was due to four children the heirs of said Skidmore Munsey. Mr Orr has a Power of attorney from one B. L. B. Timmons and Sarah H. Timmons his wife, authorizing him to collect for them one fourth part of the fund due said Munsey's heirs in said suit, and their petition has been filed in that suit praying for one fourth part of said fund.



The petition of Mr Orr and the papers filed therewith show the following state of facts. 1st That Sarah H. Timmons is a daughter of Sheldona Munnery and one of his heirs at law. 2ndly That she has been three times married, first to William J. Patton from 21 1858 second to James H. Brown March the 10 1867 and third and last to C. B. Timmons. But the said Petition & papers therewith do not show what has become of the first two husbands whether dead or living or whether she has been divorced from either one or both. If either one of them is living and the marital rights attached to the money due the wife I do not see anything to deprive them of an interest therein, for the Married Women act was passed in 1877 and relates only to two class of cases as I understand it, first as to property acquired after the passage of the act and secondly as to property owned & acquired by women who marry after the passage of said act. And said three marriages all occurred some years before the act was passed so that the law in force at the date of the said several marriages would prevail so far as this point is concerned and the rights of the husband would attach thereto. for the first was some perhaps as far back as 1858 the date of the first marriage.

I file herewith the affidavit of Mr Orr. Sworn (A.B.) in which he states on oath what one of two persons stated to him



But this cannot be regarded as evidence because it is hearsay, and the person who made the statement to her was not under oath. I have not been able to find that Betty, the first husband is dead and that Shewen the second deserted the wife, but the wife, is these facts are not legally shown.

The papers do show however that said three marriages were all celebrated in the state of Illinois; The fund now under consideration and in the Commissioners hands has been due to Edward Manning from 1863 to 1864 the date of Hyman Smith, and so far as the matter of interest is concerned we are less affected for it was a sister of Timmons, and it does seem to me that it is about time that we ought to presume in the absence of proof to the contrary, that she and her present husband are now legally entitled to demand and have paid fund paid to them. I am therefore disposed to report that said O. B. D. Timmons and Sarah B. his wife are now entitled to the money mentioned in their said petition. It does not seem to me to be a rash presumption now to assume under all the circumstances that the last marriage was regular & legal, and the former husbands were either dead or the bonds of marriage by some other mode dissolved.



If however your Honor should not feel satisfied on  
the subject, Mr. Br. is willing to execute bond with  
security to indemnify and save Judge Lane  
harmless in the premises as hereinbefore

All which is respectfully submitted

Henry J. Morgan Comr.

to J. L. Sullivan's wife

Adm. of Court - Report

Sp. Turner's Report

Filed March 2<sup>nd</sup> 1852

J. H. McCall

Clerk

Comm. of Court for 1852



Mrs. Turner adm<sup>r</sup> &c.

vs

In Chancery.

Mrs. E. H. Turner adm<sup>r</sup> &c.

The undersigned Commissioner in said Cause, respectfully reports, that pursuant to a decree rendered in said Cause, at the August term 1884, upon the Petition of James M. Orr attorney in fact of C. & L. B. Timmons and Sarah H. Timmons, the said attorney in fact executed his bond before Jas. A. G. Hyatt Clerk of your Honor's Court, for the sum of Two hundred and twenty five Dollars, with C. J. Duncan as his surety, which bond was approved by said Clerk, and is filed, and attached to this report, as part thereof marked (100), and that thereupon James Commissioner paid over to James M. Orr attorney in fact of the said Timmons & wife, Two hundred and Ten Dollars, and sixty five cents, the amount of the principal, and interest to the 11<sup>th</sup> day of September 1884, of the sum heretofore found due in this Cause, to Sarah, one of the heirs of William Muncy de'd; and took the receipt of said Orr for said sum, dated the 11<sup>th</sup> day of Sept 1884, and I herewith file, and attach the same to this report, as part thereof, marked (200)

Respectfully submitted.

Sept 11<sup>th</sup> 1884

M. B. D. Lane Comm<sup>r</sup>.



Received of W. B. D. Lane Commissioner  
in the Chancery Cause of Wm Turner admr H.  
against Drury & Keener admr H., Two hundred  
and Ten Dollars, and sixty five Cents, being  
the principal, and interest, to this date of the  
sum found due Sarah, one of the heirs of  
Skidmore Muncy, by a former decree in said  
Cause, and which sum the said Commissioner  
was ordered by a decree rendered in said  
Cause at the August term 1884, to pay over  
to James W. Orr as the attorney in fact of the  
said Sarah Muncy, whose power of attorney  
to said Orr, is filed in said Cause, with the  
petition of said attorney in fact, as Sarah H.  
Simmons, and her husband, C. L. B. Simmons.

Witness my hand & seal, this the  
10th day of September 1884.

James W. Orr. *(Seal)*  
Attorney in fact for C. L. B. Simmons.  
& Sarah H. Simmons.



(200)



Know all men by these presents That  
We James H Orr and C. T. Hancock,  
are held and firmly bound unto the Commonwealth  
of Virginia in the first and full of  
four hundred <sup>& Twenty five</sup> dollars lawful money of the  
United States for the payment of which they  
bind themselves heirs &c jointly and sev-  
erally firmly by these presents, and as to this  
bond we each waive our homestead  
exemption. Witness our hands and seals  
this the 30<sup>th</sup> day of August, 1884.

The condition of the above obligation is such  
that whereas by a decree rendered in the  
chancery cause of H L Turner Administrator vs  
Drury Z. Humeor Administrator and others, direct-  
ing Special Commissioner <sup>W B W Lane</sup> to pay over to  
James H Orr Attorney in fact of C B L  
Turners and Sarah H Timmons his wife  
the sum heretofore ascertained to be due to  
the said Sarah H Timmons in said cause  
with such interest as has accumulated  
thereon, and the said Orr being required  
to give bond to repay said sum of money  
if it should hereafter be found that either  
of the first husbands of the said Sarah H  
Timmons is entitled to receive said  
money. Now if the said James H Orr  
shall repay said sum of money should  
either of the first two husbands show



himself entitled to said sum of money  
or any part thereof, then this obligation to  
be void. Otherwise to remain in full force  
and virtue.

James W Orr (Seal)  
C. T. Harrison (Seal)

Wm. C. Orr  
as } James W Orr  
as } James W Orr  
as } James W Orr

James W Orr  
Sept 17 1884  
J. C. Harrison

(100)



Wm Turner admn

W.

Drury Co. Treasurer admn

Comm. Report

Sept 11 1884

Filed Sept. 12 1884

J. A. S. H. H.



State of Illinois  
Juryman Comy T. Thomas M.  
Harris being first duly sworn  
deposes that ~~he~~ ~~is~~ is  
well acquainted with Mrs  
Sarah H. Timmons now a  
resident of Cass County State  
of Illinois & wife of Mr  
C. L. D. Timmons a resident  
of said Cass County - That  
said affiant knew said  
Sarah H. Timmons in the  
County of the State of Indiana  
at & after her birth - during  
her childhood - that she was  
the ~~son~~ child of Edmund  
Munsey & his wife Deborah  
whose maiden name was Deborah

Harris - That said Sarah  
H. Timmons is the same person  
as Sarah H. Munsey (formerly) ~~was~~  
is the same person - That this  
affiant &c -

Thomas W. Harris

Subscribed and sworn to before me this 10th  
day of January A.D. 1878

Amos Thompson

County clerk



Garris  
affdnt

(6)



Know all Men by these Presents, That *Me C L*  
*Timmons & Sarah H Timmons his*  
*wife of Menard Co Cass County*  
*State of Illinois*

have made, constituted and appointed, and BY THESE PRESENTS do make, constitute and appoint

*James W Carr of the County State of Wisconsin*  
 true and lawful ATTORNEY for *us* and in *our* name, place and stead

*to collect receive & accept for any*  
*money that may be due & owing*  
*to either or both of us from the*  
*estate of Elkanah Wynn died*  
*by reason of bequest of said Sarah*  
*H Timmons formerly Sarah H*  
*Murray child of Adam & Deborah*  
*Murray of said Ill County—*

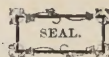
giving and granting unto *our* said ATTORNEY full power and authority to  
 do and perform all and every act and thing whatsoever, requisite and necessary to be done in and about the  
 premises, as fully, to all intents and purposes as *we* might or could do if personally present,  
 with full power of substitution and revocation, hereby ratifying and confirming all that *our* said  
 ATTORNEY or *his* substitute shall lawfully do or cause to be done by virtue thereof.

IN WITNESS WHEREOF, *we* have hereunto set *our* hands and seals the  
*10<sup>th</sup>* day of *January* one thousand eight hundred and  
 seventy *eight*

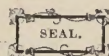
Sealed and Delivered in Presence of

*Theo B Bennett*  
*O B Caster*

*C L B Timmons*



*Sarah H Timmons*



STATE OF ILLINOIS,

*Menard*

COUNTY.

SS.

On the *Tenth* day of *January*  
 eighteen hundred and seventy *Eight* before me a *Circuit Clerk*  
 of the County of

in the State of *Illinois*

appeared *C L B Timmons & Sarah H Timmons his wife*  
 personally known to me to be the real persons whose names *are* subscribed  
 to the foregoing POWER OF ATTORNEY, as having executed the same, and then  
 acknowledged the execution thereof as *their* free act and deed.

GIVEN UNDER MY HAND AND SEAL of Office at *Pittsburg*  
*Illinois Jan 10/78*

*Theo B Bennett Circuit Clerk*



---

POWER OF ATTORNEY.

---

TO

Dated \_\_\_\_\_ 187

Culver, Page, Hoyne & Co., Stationers, Chicago.

(A)